

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicants amend claims 2 and 17, and add new claim 20. Accordingly, claims 1-9 and 11-20 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following remarks.

35 U.S.C. §§ 102 & 103

The Office Action rejects: claims 1-3, 8, 12-13 and 17 under 35 U.S.C. § 102 over Tanada et al. U.S. Patent Application Publication 2003/0124979 ("Tanada"); claims 4-5, 11, 16 and 19 under 35 U.S.C. § 103 over Tanada in view of Malkernes et al. U.S. Patent Application Publication 2002/0061024 ("Malkernes"); and claims 6, 7, 9 and 14-15 under 35 U.S.C. § 103 over Tanada in view of Reese U.S. Patent 5,583,786 ("Reese").

Applicants respectfully traverse these rejections for at least the following reasons.

Claim 1

Among other things, the communication network of claim 1 includes a control unit for generating control signals, and a master integral to each of a plurality of devices for receiving the control signals, and – when the master is designated as the active master – generating the command signals in response to the received control signals, and transferring the command signals to the communication interfaces of the plurality of devices, where the command signals control operations of the device operating circuits in the devices.

Applicants respectfully submit that Tanada does not disclose any communication network with this combination of features.

At the outset, the Office Action states that link establishment control unit 27 in FIG. 15 of Tanada corresponds to the control unit of FIG. 1, and step S600 in FIG. 11 of Tanada shows the recited control signals generated by link establishment control unit 27.

Applicants respectfully disagree.

Step 600 in FIG. 11 of Tanada is a step where a master terminal measures its battery power and positional relationship with other terminals at periodic intervals. The Office Action cites nothing in Tanada that discloses that link establishment control unit 27 generates any control signals for a master terminal to measure its battery power and positional relationship with other terminals. Furthermore, in claim 1, all of the masters in all of the devices are capable of receiving the control signals from the link establishment control unit 27. However, step 600 – which supposedly discloses the control signals – is performed only by the active master terminal. The Office Action does not cite anything Tanada that discloses that all of the terminals are capable of receiving any “control signals” from any one link establishment control unit 27 – which, again, supposedly corresponds to the control unit of claim 1.

Therefore, Applicants respectfully submit that Tanada does not disclose the communication network of claim 1.

Furthermore, the Office Action cites substitute designation transmitter/receiver unit 24 in FIG. 15 of Tanada as supposedly corresponding to the recited master; and “#short range radio comm. (sic)” and paragraph [0058] and step S602 in FIG. 11 of Tanada as each supposedly showing the recited command signals; and element 11 in FIG. 15 of Tanada as supposedly corresponding to the recited communication interface.

Again, Applicants respectfully disagree.

Tanada discloses that, when the terminal including substitute designation transmitter/receiver unit 24 is set to operate as master terminal, then substitute designation transmitter/receiver unit 24 selects an arbitrary peripheral terminal to be a substitute terminal candidate and transmits to the selected terminal substitute designation information designating this terminal as the substitute master terminal. And when the terminal including substitute designation transmitter/receiver unit 24 is set to operate as master terminal, then Tanada discloses that substitute designation transmitter/receiver unit 24 receives the substitute designating information transmitted from the master terminal designating this slave terminal as the substitute master terminal.

The Office Action cites nothing in Tanada that discloses that substitute designation transmitter/receiver unit 24 is a master that generates command signals in response to any control signals for "*measuring battery power and positional relationship with other terminals*" (which, according to the Office Action, correspond the received control signals) from link establishment control unit 27 (which, according to the Office Action, is the control unit of claim 1). The Office Action cites nothing in Tanada that discloses that substitute designation transmitter/receiver unit 24 transfers any such command signals to the communication interfaces of the plurality of terminals, where the command signals control operations of device operating circuits in the terminals.

Therefore, again, Applicants respectfully submit that Tanada does not disclose the communication network of claim 1.

Accordingly for at least these reasons, Applicants respectfully submit that claim 1 is patentable over Tanada, and respectfully request that the rejection of claim 1 be withdrawn and that claim 1 receive an early allowance.

Claims 2, 3 and 8

Claims 2, 3 and 8 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to 1, and for the following additional reasons.

Claim 2

Among other things, in the communication network of claim 2 the control unit is a wireless remote control unit, and the wireless remote control unit wirelessly communicates the control signals to the masters of the devices.

Applicants respectfully submit that link establishment control unit 27 (which, according to the Office Action, supposedly corresponds to the control unit of claim 2) in Tanada's network is not a wireless remote control unit, and does not wirelessly communicate any control signals to the substitute designation transmitter/receiver units 24 (which, according to the Office Action, supposedly corresponds to the masters of claim 2) of the devices.

So for at least these additional reasons, Applicants respectfully submit that

claim 2 is patentable over Tanada.

Claim 3

Among other things, in the communication network of claim 3 each master is equipped with a transceiver for wireless communication between the control unit and the master and between the master and the communication interfaces of the devices.

Applicants respectfully submit that each substitute designation transmitter/receiver unit 24 (which, according to the Office Action, supposedly corresponds to the masters of claim 3) in Tanada's network is not equipped with a transceiver for wireless communication between link establishment control unit 27 (which, according to the Office Action, supposedly corresponds to the control unit of claim 3) and the substitute designation transmitter/receiver unit 24 and the radio communication units 11 of the plurality of devices.

So for at least these additional reasons, Applicants respectfully submit that claim 3 is patentable over Tanada.

Claim 8

Claim 8 depends from claim 7, which further depends from claim 6.

Accordingly, among other things, in the communication network of claim 8 each master includes: (1) beacon means for transmitting periodical signals when it is the active master; and detecting means for detecting the periodical signals transmitted by the active master, wherein the detecting means comprise a timer circuit for timing a time lapse during which the periodical signal is absent.

On page 5 of the Office Action, **the Examiner plainly admits that Tanada does not disclose these features.**

Therefore, Applicants respectfully submit that the rejection of claim 8 under 5 U.S.C. § 102 over Tanada is improper. Accordingly, Applicants respectfully request that the rejection of claim 8 be withdrawn and that claim 8 receive an early allowance.

Claim 12

Among other things, the method of claim 12 includes receiving control signals at an active master from a control unit, and in response to the control signals, transmitting command signals from the active master to the plurality devices to

control operations of the devices.

For similar reasons to those set forth above with respect to claim 1, Applicants respectfully submit that Tanada does not disclose any method that includes this combination of features.

Accordingly for at least these reasons, Applicants respectfully submit that claim 12 is patentable over Tanada, and respectfully request that the rejection of claim 12 be withdrawn and that claim 12 receive an early allowance.

Claims 13 and 17

Claims 13 and 17 all depend from claim 12 and are deemed patentable for at least the reasons set forth above with respect to 12, and for the following additional reasons.

Claim 17

Among other things, in the method of claim 17, the active master receives the control signals wirelessly from the user-operated remote control unit, where the user-operated remote control unit generates the control signals in response to a user input.

Applicants respectfully submit that Tanada does not disclose any method that includes this combination of features.

Accordingly for at least these additional reasons, Applicants respectfully submit that claim 17 is patentable over Tanada, and respectfully request that the rejection of claim 17 be withdrawn and that claim 17 receive an early allowance.

Claims 4-7, 9, 11, 14-16 and 19

Claims 4-7, 9, 11, 14-16 and 19 depend variously from claims 1 and 12. Applicants respectfully submit that Malkernes and Reese do not remedy the shortcomings of Tanada as set forth above with respect to claims 1 and 12. Accordingly, claims 4-7, 9, 11, 14-16 and 19 are deemed patentable over the cited art for at least the reasons set forth above with respect to claims 1 and 12, and for the following additional reasons.

Claims 4, 5 and 16

Among other things, in the communication networks of claims 4 and 5,

the device operating circuit in each device comprises a ballast circuit for operating a lamp.

The Office Action fairly admits that Tanada does not disclose such a feature. However, the Office Action states that Malkernes discloses a lamp, and – based on this – the Office Action proposes to modify Tanada to include a device operating circuit in each device as a ballast circuit for operating a lamp.

A rejection on obviousness grounds under 35 U.S.C. § 103 cannot be sustained by mere conclusory statements: instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See M.P.E.P. § 2142 (quoting In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) and KSR 82 USPQ2d at 1396 (2007) (quoting Federal Circuit statement with approval)).

Here, Applicants respectfully submit that the Office Action fails to articulate any reasoning with any rational underpinnings for the proposed modification of Tanada's Bluetooth communication network to control ballasts and lamps, and instead only offers a conclusory statement that Malkernes suggests a lamp.

The rejection of claim 16 has similar deficiencies.

Accordingly for at least these additional reasons, Applicants respectfully submit that claims 4, 5 and 16 are patentable over the cited art, and respectfully request that the rejections of claims 4, 5 and 16 be withdrawn and that claims 4, 5 and 16 receive an early allowance.

Claims 11 and 19

The Office Action rejects claims 11 and 19 under 35 U.S.C. § 103 over Tanada in view of Malkernes. However, the discussion of the rejections on the last six lines of page 5 fails to mention Malkernes and instead references "Irish" – which has not been cited as a basis for rejecting claims 11 and 19 or any other claims.

Therefore, Applicants respectfully submit that the Office Action does not fairly apprise Applicants of the basis for the rejections of claims 11 and 19.

Accordingly for at least these additional reasons, Applicants respectfully request that the rejections of claims 11 and 19 be withdrawn and that claims 11 and

19 receive an early allowance.

Claims 6, 7 and 14-15

Among other things, in the communication network of claim 6 each master includes: (1) beacon means for transmitting periodical signals when it is the active master; and detecting means for detecting the periodical signals transmitted by the active master. In the communication network of claim 7, the detecting means comprise a timer circuit for timing a time lapse during which the periodical signal is absent.

The Office Action fairly admits that Tanada does not disclose such features. However, the Office Action states that Reese discloses a beacon signal and – based on this – the Office Action proposes to modify Tanada to include the features of claims 6 and 7.

As noted above, a rejection on obviousness grounds under 35 U.S.C. § 103 cannot be sustained by mere conclusory statements: instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.

Here, Applicants respectfully submit that the Office Action fails to articulate any reasoning with any rational underpinnings for the proposed modification of Tanada's Bluetooth communication network to include the features of claims 6 and 7.

The rejections of claims 14 and 15 have similar deficiencies.

Accordingly for at least these additional reasons, Applicants respectfully submit that claims 6, 7 and 14-15 are patentable over the cited art, and respectfully request that the rejections of claims 6, 7 and 14-15 be withdrawn and that claims 6, 7 and 14-15 receive an early allowance.

NEW CLAIM 20

Among other things, in the system of claim 20 a plurality of devices each include: a ballast and a lamp connected to the ballast circuit, a communication interface for receiving command signals for controlling an operation of the ballast circuit and lamp, a master integral to the device for receiving control signals; and a

remote control unit for generating and transmitting the control signals, the remote control unit being remotely located with respect to the plurality of devices.

Applicants respectfully submit that no combination of the cited references would produce a system including this combination of features.

Accordingly for at least these reasons, Applicants respectfully submit that claim 20 is patentable over the cited art, and respectfully request that claim 20 receive an early allowance.


CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-9 and 11-20 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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